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LETTER DATED 8 DECEMBER 1995 FROM THE SECRETARY-GENERAL
ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit the attached report, which was addressed to me on 7 December 1995 by the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia, concerning the operations of the International Conference's Mission to the Federal Republic of Yugoslavia (Serbia and Montenegro). This report by the Co-Chairmen contains the certification referred to in Security Council resolutions 988 (1995) and 1015 (1995).

I should be grateful if you would bring this information to the attention of the members of the Security Council.

(Signed) Boutros BOUTROS-GHALI

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Annex

Operations of the Mission of the International Conference on the Former Yugoslavia to the Federal Republic of Yugoslavia (Serbia and Montenegro)

I. INTRODUCTION

1. The present report is submitted pursuant to paragraph 13 of Security Council resolution 988 (1995) of 21 April 1995 and paragraph 2 of Security Council resolution 1015 (1995) of 15 September 1995. In those resolutions, the Council requested that the Secretary-General submit every 30 days for its review a report from the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia on the border closure measures taken by the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro).

2. It will be recalled that, on 4 August 1994, the following measures were ordered by the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) to come into effect the same day:

(a) "To break off political and economic relations with the 'Republika Srpska';"

(b) "To prohibit the stay of the members of the leadership of the 'Republika Srpska' (parliament, presidency and Government) in the territory of the Federal Republic of Yugoslavia";

(c) "As of today the border of the Federal Republic of Yugoslavia is closed for all transport towards the 'Republika Srpska' except food, clothing and medicine."

3. On 22 November 1995, the Security Council adopted resolution 1022 (1995) and, in paragraph 2 thereof, decided that the suspension of sanctions referred to in paragraph 1 of that resolution "shall not apply to the measures imposed on the Bosnian Serb party until the day after the Commander of the international force to be deployed in accordance with the peace agreement, on the basis of a report transmitted through the appropriate political authorities, informs the Council via the Secretary-General that all Bosnian Serb forces have withdrawn behind the zones of separation established in the peace agreement".

4. On 19 September, 3 October, 2 November and 1 December 1994 and 4 January, 2 February, 2 and 31 March, 13 April, 18 May, 25 June, 3 August, 6 September, 11 October and 10 November 1995, the Secretary-General transmitted to the Security Council reports from the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia on the state of implementation of the above-mentioned measures (S/1994/1074; S/1994/1124; S/1994/1246; S/1994/1372; S/1995/6; S/1995/104; S/1995/175; S/1995/255; S/1995/302; S/1995/406; S/1995/510; S/1995/645; S/1995/768; S/1995/865 and S/1995/944). The report dated 10 November 1995 contained the following certification by the Co-Chairmen:

"In the light of the foregoing developments, based on the Mission's on-site observation, on the advice of the Mission Coordinator, Mr. T. J. Nieminen, and in the absence of any contrary information from the air, either from the airborne reconnaissance system of NATO or national technical means, the Co-Chairmen conclude that the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) is continuing to meet its commitment to close the border between the Federal Republic of Yugoslavia (Serbia and Montenegro) and the areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces. The Co-Chairmen also conclude that, during the period covered by the present report, there have been no commercial transshipments across the border between the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Republic of Bosnia and Herzegovina."

Developments since the last report are outlined below.

II. LEGISLATION/REGULATIONS ON THE BORDER CLOSURE

5. The legislation of the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) closing the border with the Bosnian Serbs continues to be in effect.

6. The authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) have provided the Mission with the following list of confiscations conducted along its border with Bosnia and Herzegovina for the month of October 1995:

Petrol	4.8 tons
Diesel	6 tons
Motor oil	366 litres
Cigarettes	2.7 tons
Construction materials	8.1 tons
Wood	105 cubic metres
Alcohol	975 litres
Food	890 kilograms
Coffee	431 kilograms
Textiles, clothing, footwear	344 kilograms
Motor vehicles	34
Animals	34
Technical equipment	530 kilograms
Other goods	237 kilograms

7. There were 97 new offence procedures initiated during the month of October, and 52 were finalized. Fines and penalties amounted to

97,718 dinars. The volume of confiscations was below average in virtually all categories and the number of new offence cases and sum of penalties were about the average for the previous 14 months. The Mission's Senior Customs Adviser discussed the downturn in confiscations with the Deputy Director of the Federal Customs. The latter explained that the widened definition of humanitarian aid allowed into the "Republika Srpska" probably reduced the incidence of smuggling attempts. Also the intense level of fighting in Bosnia and Herzegovina will have lessened the opportunity for trading.

III. ORGANIZATION, FINANCING AND WORK OF THE MISSION

8. As of 6 December 1995, there were 217 international observers on duty in the Mission. The Mission personnel to date have come from Belgium, Canada, the Czech Republic, Denmark, Finland, France, Germany, Greece, Ireland, Italy, the Netherlands, Norway Portugal, the Russian Federation, Spain, Sweden, the United Kingdom of Great Britain and Northern Ireland and the United States of America. At the present time, Canada, Portugal and Spain are not represented in the Mission.

9. In the reporting period, the number of refugees from Bosnia and Herzegovina crossing the border into the Federal Republic of Yugoslavia (Serbia and Montenegro) decreased from approximately 157 during the first week of the month to 20 in the last week. The total number of refugees who crossed into the Federal Republic of Yugoslavia (Serbia and Montenegro) during the last month was 325. The operational situation within the Mission's area of responsibility remained calm during the reporting period.

IV. FREEDOM OF MOVEMENT AND SECURITY OF THE PERSONNEL

10. The Mission continues to enjoy freedom of movement within the Federal Republic of Yugoslavia (Serbia and Montenegro). However, on 12 November, in Sector Charlie, the Yugoslav Army denied entry to a Mission mobile patrol vehicle through the military checkpoint en route to Kovaci. The observers were permitted to walk to the vicinity of the village. Previously, Mission vehicles were allowed to go through the checkpoint but on this occasion they were refused on the grounds of unspecified "military rules". The Yugoslav Army liaison officer in Niksic was immediately informed of the incident.

11. On 20 November in Sector Alpha, Yugoslav Army personnel prevented Mission observers from conducting foot patrols along the Drina river without the Yugoslav Army liaison officer. The Yugoslav Army soldiers insisted that they had received new instructions that the liaison officer should be present when the Mission patrolled this route.

12. On 22 November in Sector Belgrade, the Yugoslav Army denied a Sector Belgrade mobile patrol access for "security reasons" to the Morovic alternative road to controlled crossing-point Jamena after the usual route was deemed impassable. On 23 November, the Mission Coordinator and his Senior Customs Adviser met with the Deputy Chief of the General Staff, Lieutenant General Blagoje Kovacevic, and discussed assignments to the Mission of liaison officers

by the Yugoslav Army, access to controlled crossing-point Jamena by road through the village of Morovic (access was limited because of the tense situation in Eastern Slavonia) and the above-mentioned cases where the movement of the Mission patrols has been impeded by the Yugoslav Army. General Kovacevic reaffirmed the Yugoslav Army's commitment to maintain the high level of cooperation that has existed with the Mission. He gave assurances that the problems encountered by the Mission would be resolved immediately.

13. On 24 November, at border crossing point Sremska Raca, a Mission team's local female interpreter was harassed in the ladies room by an intoxicated individual wearing a military uniform. The following day the Deputy to the Director-General of the Federal Customs Administration was informed of the incident. He replied that he would take action to avert incidents of that nature.

14. On 3 December, a mobile patrol in Sector Charlie, north of Crkvice, was blocked by a truck on the road. The truck driver threatened the Mission personnel. The team was under duress and the Yugoslav Army liaison officer who was escorting the team requested a military patrol from the nearest Yugoslav Army checkpoint on the border to escort the Mission patrol out of the area.

V. COOPERATION OF THE AUTHORITIES OF THE FEDERAL REPUBLIC OF YUGOSLAVIA (SERBIA AND MONTENEGRO) WITH THE MISSION

15. Cooperation with the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) continues to be good. In response to specific difficulties, the Mission Coordinator and his staff have registered their concern to the appropriate authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro).

16. In a letter of 28 November to Colonel D. Vuksic, Head of the Department for Relations with Foreign Military Attachés, the Mission Chief of Staff stressed the importance of maintaining a Yugoslav Army liaison officer in Sector Bajina Basta to replace the departing liaison officer. General Kovacevic, Deputy Chief of the General Staff, had reassured the Mission Coordinator, in an earlier meeting with him on 23 November, of his commitment to maintain full cooperation. Following up on this meeting and maintaining constant contact with the local officials in Montenegro, the Mission's Special Envoy to that republic, in a meeting on 27 November, emphasized to Colonel Cecovic, the Commander of Podgorica Army Corps, the necessity of improving cooperation throughout Sector Charlie. The Special Envoy noted the urgency of frequent consultations between the Yugoslav Army and the Mission. Replying to the Sector's specific concerns, Colonel Cecovic promised that the liaison officer would be accessible to the Mission by pager at all times. He promised to step up Yugoslav Army surveillance of the controlled border area between Crkvice and Vracenocivi, which appears open to smuggling, and a friendlier disposition of the Yugoslav Army to the Mission. The Special Envoy and Colonel Cecovic agreed to meet every 14 days and within a couple of hours in the event of an emergency. On the night of 4 December, 17 truck drivers were arrested trying to transport goods in this area from Bosnia into the Federal Republic of Yugoslavia (Serbia and Montenegro). Subsequently, the Yugoslav Army liaison officer told the Sector

that the border in Crkvice-Vracenovici would be closed and the International Conference on the Former Yugoslavia would have timely access to Yugoslav Army information in the area.

17. On 23 November, the Mission Coordinator discussed Security Council resolution 1022 (1995) with Deputy Defence Minister Bjelica Bogoljub, and both concluded from the meeting that the measures imposed by the Federal Republic of Yugoslavia (Serbia and Montenegro) Government on the Bosnian Serbs would continue. Similarly, on 23 and 24 November, during talks between the Mission Coordinator and his Customs Adviser, the Federal Customs authorities agreed that the suspension of sanctions would not apply to the measures imposed on the Bosnian Serbs. Instructions to this effect have been issued by the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to their officials on the border with the "Republika Srpska".

VI. INFORMATION RECEIVED FROM NATIONAL AND OTHER SOURCES

18. The operating principle of the Mission is to base its reporting and evaluations on its own observations and on information that it has verified. The Mission Coordinator maintained a standing request to Governments possessing the technical capacity to provide it with information relevant to its mandate. He has not received any such information since the last report.

VII. PROBLEMS ENCOUNTERED AND REPRESENTATIONS MADE TO THE AUTHORITIES

19. Unarmed uniformed personnel continue to cross the border between the Federal Republic of Yugoslavia (Serbia and Montenegro) and Bosnia and Herzegovina. During the reporting period, 245 uniformed personnel crossed the border at Sremska Raca (Sector Belgrade), 7 at Badovinci (Sector Alpha), 36 at Trbusnica (Sector Alpha), 9 at Mali Zvornik (Sector Alpha), 6 at Ljubovija (Sector Alpha) and 1 at Scepan Polje (Sector Charlie).

20. On 7 November, a Sector Charlie mobile patrol discovered that a barrier had been dismantled at a bypass leading to the border near Vilusi.

21. Similarly, on 11 November, a Sector Bajina Basta mobile patrol noticed that a barrier 8 kilometres south-east of Kotroman had been removed on a bypass leading to the border. The local authorities were informed of both incidents and they promised to restore the barriers immediately.

22. On 13 November, a Sector Alpha mobile patrol observed a large boat on the Drina river, 7 kilometres south-east of Sremska Raca near the confluence of the Drina and the Sava. The craft, which was 9 metres in length and powered by an outboard engine, was heavily loaded with boxed items. The approximate size of a box was 30x40x15 centimetres. When the boat reached the Bosnia and Herzegovina bank it was unloaded by three persons. The boxes, which numbered around 800, appeared heavy. The patrol requested the assistance of the Yugoslav Army liaison officer and police to monitor the boat's route to the point where it re-entered the Federal Republic of Yugoslavia (Serbia and Montenegro). However,

after the smugglers completed unloading, the boat was pulled well up the Bosnia and Herzegovina bank. The local authorities witnessed this activity. The Mission Senior Customs Adviser raised the incident with the Deputy Director-General of the Federal Customs Administration during a call on him on 17 November. The Deputy Director-General confirmed that the Sava river was patrolled by military/police vessels, which should prevent direct access to Bosnia and Herzegovina. He requested a copy of the Mission report about the smuggling incident, which he assured would be brought to the attention of the authorities responsible for controlling the Sava.

23. On 14 November, a Sector Bajina Basta mobile patrol discovered that the barricade had been removed at Panjak, a southerly bypass to Kotroman border crossing point. The commander of the local military unit was apprised of the matter and he stated that a more permanent structure would be installed. On the same day, the Chief of Staff of the Mission met with the Deputy Head of the Department for Relations with Foreign Military Attachés and International Organizations of the Yugoslav Army. He drew attention to the requirement that barriers that had been removed were to be replaced as quickly as possible. Again, on 15 November, a Sector Bajina Basta mobile patrol witnessed a medium-size truck with a canvas cover over its cargo crossing into Bosnia and Herzegovina at Panjak. The Yugoslav Army liaison officer subsequently instructed the local Yugoslav Army commander to construct a more substantial barricade at Panjak. Finally, on 17 November a new barricade was erected and a trench dug beyond the obstruction.

24. On 24 November, in the Panjak unauthorized crossing point area, a Sector Bajina Basta mobile patrol observed a medium-size truck stuck in snow and mud approximately 50 metres inside the "Republika Srpska" territory. The truck had illegally crossed the Federal Republic of Yugoslavia (Serbia and Montenegro)-"Republika Srpska" border. The Yugoslav Army unit commander for Kotroman area was called in to witness the violation.

25. On 29 November, in the Panjak unauthorized crossing point area, a Sector Bajina Basta mobile patrol observed evidence of illegal crossing of the Federal Republic of Yugoslavia (Serbia and Montenegro)-"Republika Srpska" border and informed the Yugoslav Army liaison officer of this violation. Also, daily mobile patrols from the Sector Bajina Basta have seen evidence of smuggling activities in Panjak area. However patrols in the area have found no hard evidence to sustain the allegation of 10-ton trucks crossing at the two suspected border crossing points, but this possibility continues to be pursued with the Yugoslav Army. As of 6 December, the local Yugoslav Army commanders have not provided the Mission with an explanation or course of action regarding these suspected crossings. The Mission Coordinator followed up on this matter during his meeting on 6 December with the Deputy Chief of the Yugoslav Army General Staff, expressing his concern and the urgency of resolving this situation in Panjak. The General Staff representatives promised to look into this question.

26. On 19 November, a Sector Alpha patrol sighted a boat crossing the Drina river 1 kilometre south of Mali Zvornik, with three men and about ten 100-litre barrels. The barrels were unloaded on the Bosnian side.

27. On 22 November, two Gazelle helicopters were observed by Sector Alpha mobile patrols flying 5 kilometres south of Mali Zvornik. The helicopters were heading from the "Republika Srpska" to the Federal Republic of Yugoslavia (Serbia and Montenegro). The local authorities were requested to investigate this border crossing. As of 6 December, the Mission Coordinator had received no reply.

28. In paragraph 24 of the Mission report to the Security Council of 10 November 1995 (S/1995/944), it was reported that "on 28 October one Mi-8 helicopter, originating from the Bosnian side and heading south-east, crossed the border south of the border crossing point at Scepan Polje (Sector Charlie)". The authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) informed the Mission that the helicopter was on HT 40 belonging to the "Republika Srpska". The authorities cited unfavourable weather conditions as reason for the helicopters crossing the border, entering 5 kilometres deep into the Federal Republic of Yugoslavia (Serbia and Montenegro) airspace and leaving without landing in the area of Pluzine.

29. On 29 November, at the vicinity of border crossing point Uvac (Sector Bravo), a 10-wheel transport truck was stuck in the middle of the river while attempting to cross the border illegally from the "Republika Srpska" to the Federal Republic of Yugoslavia (Serbia and Montenegro). The driver and passenger were arrested by a Yugoslav Army patrol.

VIII. CERTIFICATION

30. In the light of the foregoing developments, based on the Mission's on-site observation, on the advice of the Mission Coordinator, Mr. T. J. Nieminen, and in the absence of any contrary information from the air, either from the airborne reconnaissance system of the North Atlantic Treaty Organization (NATO) or national technical means, the Co-Chairmen conclude that the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) is continuing to meet its commitment to close the border between the Federal Republic of Yugoslavia (Serbia and Montenegro) and the areas of the Republic of Bosnia and Herzegovina under the control of the Bosnian Serb forces. The Co-Chairmen also conclude that, during the period covered by the present report, there have been no commercial transshipments across the border between the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Republic of Bosnia and Herzegovina.